

IN THE HIGH COURT OF UTTARANCHAL AT
NAINITAL
WRIT PETITION NO.1274 (SS) OF 2005

1. Raghubir Sharma, S/o Sri Ram Nath Sharma,
2. Ram Nath Gupta, S/o Sri Jeewan Lal Gupta,
3. Ram Asre Tiwari, S/o Rajnath Tiwari,
4. Dadhan Prasad, S/o Sri Shivjatan.
5. Somapl Singh, S/o Sri Laxman Singh,
6. Sri Ram Gupta, S/o Sri Jiwan Lal Gupta.
7. Lagan Dev Yadav, S/o Sri Ramnand Yadav,
8. Jafar Ali, S/o Sri Frime Ali,
9. Gopal, S/o Sri Narayn.
10. Lallan Yadav, Sri Bhrig Asan Ali,
11. Diwan Singh, S/o Pooran Singh,
12. Gulab, S/o Kishre,
13. Naresh Kumar, S/o Mooteli Shah,
14. Kailash Chandra Tiwari, S/o Sri Kewla Nand Tiwari,
15. Chhotelal Sharma, S/o Shiv Charan Sharma,
16. Virendra Kumar Sharma, S/o Sri Bhagwant Swaroop Sharma,

All ar coolies and working at Bajpur Cooperative Sugar Mill (Distillary Unit) Bajpur, Udham Singh Nagar.

.....Petitioners.

Versus

1. State of Uttaranchal, through Secretary, Sugar, Dehradun.
2. District Magistrate/Administrator, Udahm Singh Nagar.
3. Registrar Coop Societies, Dehradun, Uttaranchal.
4. The Bajpur, Cooperative Sugar Mill Distillery Unit, through its General Manger.

.....Respondents.

Sri D.S. Patni, Advocate for the petitioners.

Sri R.K. Raizada, Advocate for the respondents no. 2 and 4.

Dated:22.02.2006

Hon'ble Rajesh Tandon, J.

By the present writ petition, the petitioner has prayed for a writ of certiorari quashing the order dated 19th July, 2005 passed by the respondent no. 4 as well as for a writ of mandamus directing the respondents to regularize the services of the petitioners in the Distillery Unit of Bajpur Cooperative Sugar Mill, Bajpur with all consequential benefits including

back wages from the date junior to the petitioners were regularized.

Brief facts giving rise to the present writ petition are that according to the petitioners, they are working on daily wage basis at Bajpur Cooperative Sugar Factory (Distillery Unit), Bajpur Udham Singh Nagar as unskilled Coolies for last several years and the work performed by the petitioners is perennial in nature.

According to the case of the petitioner, the distillery unit of respondent factory has permanent posts of Boiler Attendant, Coolie, E.T.P. Plant Coolie etc and the petitioners are paid on daily rate basis.

The respondents vide order dated 18.04.1991 made some appointments on regular vacancies from amongst daily rated worker without advertisement and constitution of selection committee of distillery unit. The petitioner has submitted that all such workers who were appointed on permanent basis were junior to the petitioners.

The petitioners made a representation and the same was disposed of by the respondents on 19th July, 2000. The petitioners thereafter aggrieved by the said order, wants to prefer another representation on the ground that they are entitled for regularisation and their past services in the department may be taken into consideration.

Sri Raijada has no objection for filing a fresh representation, which shall be considered according to law on its own merits.

Considering this view of the matter, liberty is given to the petitioner to approach the General Manager of the Distillery Unit of Bajpur Co-operative Sugar Factory, Bajpur, Udham Singh Nagar for their regular promotion by filing a fresh representation, if such representation is filed the same shall be

disposed of within a period of six week from the date of presentation of the certified copy of order and any order passed on 19th July, 2005 will be subject to the final order passed on the representation filed by the petitioner.

Consequently, writ petition is disposed of. No order as to costs.

(Rajesh Tandon, J.)

22.02.2006

Rathour